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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,147	06/21/2000	Scott David Smyers	SNY-M2682	7468
28960	7590	05/17/2005		
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086				
			EXAMINER JAGANNATHAN, MELANIE	
			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,147

Applicant(s)

SMYERS, SCOTT DAVID

Examiner

Melanie Jagannathan

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2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-9, 11-12, 14-17, 19 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 10, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5,7,8-9,11-12,14-17,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagawa et al. US 6,745,252.

Regarding claims 1, 3, 8, 11, 15-16, the claimed modem connected to a telephone line to receive request directed to device in IEEE 1394 network from remote device is disclosed by user connected to PC (Figure 4, element 23) with modem that provides interface with a telephone line, video monitor of television (element 21) etc. where user uses keyboard, mouse to give directives to display/function selection means. The display/function selection in controller of PC means selects devices and functions according to operation by user and directs the execution of various functions. See column 10, lines 62-67, column 11, lines 55-67, column 12, lines 6-10. The claimed interface connected to IEEE 1394 based network is disclosed by transmission line (Figure 2, element 1) being serial bus (1394 bus). See column 6, lines 3-13. The claimed processor receive request from modem and transmit request via interface using IEEE 1394 protocol is disclosed by device signal processing means (Figure 2, element 4) and device asynchronous data processing means (element 6) where 1394 bus transmits and receives synchronous and asynchronous data from devices. See column 5, lines 58-67, column 6, lines 3-

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58, column 7, lines 1-15. Regarding claim 15, the claimed bus reset is disclosed by when a device is connected to 1394 bus, the controller on the bus recognizes a new device by bus resetting. See column 15, lines 8-18.

Regarding claims 2, 9, the claimed memory is disclosed by devices having unit configuration information (Figure 2, element 7) and controller including function database (Figure 5, element 13).

Regarding claims 5,7,12,14, 17, 19, the claimed if request packet from interface is destined for remote bus and means for determining if request packet is one of a read request, write request and a lock request packet is disclosed by asynchronous data being transmitted from user and the asynchronous data transmitting and receiving means performs transaction processing of asynchronous data according to 1394 protocol, processing read, write and lock transactions. See column 6, lines 41-45.

Allowable Subject Matter

3. Claims 4,6, 10,13,18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 20-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Prior art of record does not disclose, in single or in combination, the claimed limitation of determining if request packet is asynchronous or isochronous, rejecting the request packet from IEEE 1394 network if request packet comprises an isochronous request packet and transmitting

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the asynchronous request packet via telephone connection in combination with other limitations of claims.

Response to Arguments

5. Applicant's arguments filed 11/26/2004 have been fully considered but they are not persuasive. Examiner appreciates detailed description of prior art.

Applicant argues there is no teaching in Yanagawa et al. that indicates modem is used as communication means between PC and the other network devices connected to transmission line 1. Applicant argues there is no teaching of modem connected to telephone line to receive request directed to a device in 1394 based network from remote device. Examiner argues Yanagawa et al. discloses AVC system connecting a plurality of devices with 1394 bus (transmission line 1) including PC (Figure 4, element 23) as a unit including modem that provides interface with a telephone line, video monitor of television (element 21) etc. where user uses keyboard, mouse to give directives to display/function selection means. The display/function selection in controller of PC means selects devices and functions according to operation by user and directs the execution of various functions. See column 10, lines 62-67, column 11, lines 55-67, column 12, lines 1-10.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receiving requests over telephone line, the requests directed to network devices within local network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ

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**FRANK DUONG
PRIMARY EXAMINER**